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# ABOUT THE AIR

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## EPA AND INDUSTRY LAUNCH AGREEMENT FOR CLEANER OUTDOOR WOOD BOILERS

Outdoor wood-fired boilers, also called outdoor wood heaters, outdoor wood furnaces, or outdoor wood-fired hydronic heaters, provide heat and hot water for homes and other buildings. The use of these outdoor wood-fired boilers have increased in recent years, prompting complaints about smoke and concern about the particulate matter (PM) pollution the units produce. The Air Quality Division (AQD) put together the [Outdoor Wood Boiler & Air Quality Fact Sheet](#) that states that outdoor wood boilers generate much more PM pollution than an indoor wood stove because the units are built to burn wood at lower combustion temperatures. Wood smoke releases PM

(soot), carbon monoxide (CO), and other toxic air pollutants and nuisance complaints are justified by valid health concerns. Children (whose lungs are still developing) and people with health, heart or lung problems such as coronary artery disease, asthma, or emphysema are especially affected by wood smoke. For these reasons, Michigan and many Northeast States joined New York in petitioning the U.S. Environmental Protection Agency (EPA) to better regulate these wood boilers.

On January 29, 2007, under a voluntary partnership agreement with the EPA, the following ten manufacturers that make 80% of the units sold in the U.S., have agreed to make cleaner outdoor wood-fired heaters available for purchase in spring of 2007:

- ▶ Aqua-Therm,
- ▶ Black Bear/Clean Wood Heat,
- ▶ Burns Best,
- ▶ Central Boiler,
- ▶ Hardy Manufacturing Co.,
- ▶ Heatmor, Mahoning Outdoor Furnace,
- ▶ Pro-Fab Industries,
- ▶ Woodmaster/Northwest Manufacturing, and
- ▶ Sequoyah Paradise.

EPA claims that the new heaters will be about 70% cleaner than models currently on the market. The cleaner models, marked by an orange hang tag showing that a unit meets the requirements of the program, must emit no more than 0.6 pounds of PM pollution per million BTUs of heat input (i.e., wood burned), and must be tested by an accredited third-party laboratory to verify that they meet these levels. Additional information is available at [epa.gov/woodheaters](http://epa.gov/woodheaters).

(CLEANER OUTDOOR WOOD BOILERS CONTINUES ON PAGE 2)

## WHAT'S "UP" IN THE AIR

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**CLEANER OUTDOOR WOOD BOILERS (CONTINUED):**

The AQD also recommends that if you are going to install an outdoor wood boiler:

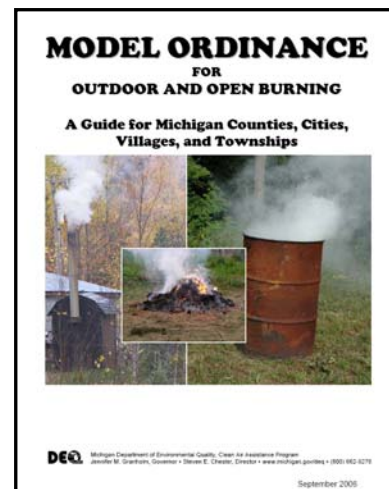
- ▶ Look for a well-designed unit that utilizes secondary combustion because they burn more efficiently.
- ▶ Look for a unit with a lot of firebrick which allows the unit to burn hotter with better combustion.
- ▶ Be a good neighbor and make sure the stack is at least as high as the chimney on your home.
- ▶ Fuel right ... ONLY dry, seasoned wood should ever be used in wood burning units.

To support the states' work to better regulate wood boilers, the Northeast States for Coordinated Air Use Management (NESCAUM) formed a workgroup with funding and participation by EPA, and developed the [Outdoor Hydronic Heater Model Regulation](#) to promote common regulatory standards across state and local areas. The major aim of this model rule is to meet current federal PM air quality standards by establishing emission limits and labeling requirements for new outdoor hydronic heaters. The NESCAUM model rule contains:

- ▶ setback requirements from property lines, structures, and homes;
- ▶ stack height requirements; and
- ▶ distributor and buyer notification requirements.

In addition, NESCAUM also created an Outdoor Wood Boiler Fact Sheet that describes the concerns, issues, and policy options available to state and local government to address new outdoor wood boiler units. To view the NESCAUM model rule and their outdoor wood boiler fact sheet visit <http://www.nescaum.org/documents/modelregulationoutdoorhydronicheatersfinalB.pdf/>.

As stated in the [January 2007 About the Air newsletter](#), the Michigan Department of Environmental Quality (MDEQ) and the Michigan Department of Natural Resources, in conjunction with the Michigan Townships Association, have also developed a [Model Ordinance for Outdoor and Open Burning](#). The model ordinance provides sample language that a municipality can use to craft their own ordinance or modify an existing one. The ordinance addresses outdoor wood-fired boilers and other activities such as trash burning, burning of brush and leaves, and patio burners. In addition to Michigan's open burning regulations, the ordinance also provides provisions a municipality may pick and choose from to further restrict this activity in their community.



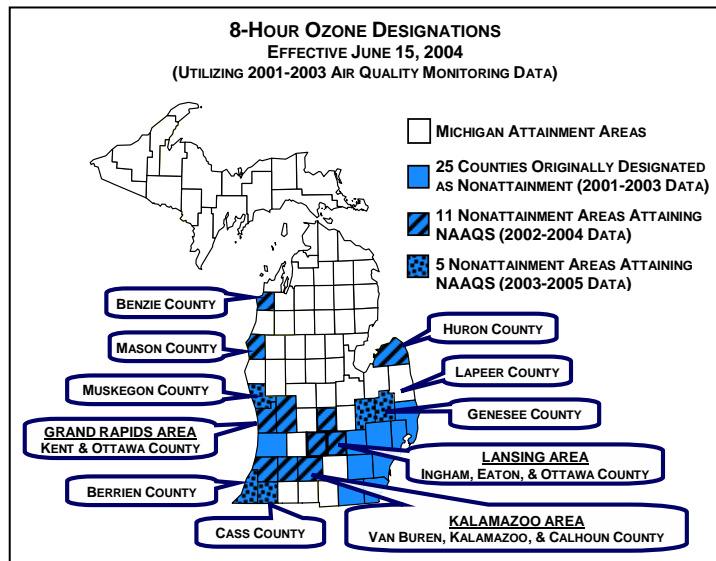
The Michigan Model Ordinance is available on the AQD website at <http://www.michigan.gov/deqair> under the heading "Open Burning Information" or from the Michigan Townships Association open burning website at <http://www.michigantownships.org/burnreg.asp>. For questions or comments on the Michigan Model Ordinance, contact James Ostrowski, MDEQ, Environmental Science and Services Division (ESSD), 517-241-8057, [ostrowsj@michigan.gov](mailto:ostrowsj@michigan.gov).

The AQD's [Outdoor Wood Boiler & Air Quality Fact Sheet](#) and information on Michigan's open burning regulations, enforced by each AQD District Office, are also available from the above AQD website. **NOTE:** Effective **April 16, 2007**, the Grand Rapids District Office will be relocated to 350 Ottawa NW, Unit 10, Grand Rapids, MI 49503. The phone number and fax number will remain the same. A map of the AQD District Offices along with the counties they service is available at <http://www.deq.state.mi.us/documents/deq-aqd-air-admin-District-map.pdf>.

## UPDATE ON MICHIGAN'S OZONE REDESIGNATION REQUESTS AND FEDERAL OZONE SIP REGULATIONS

In the [December 7, 2006](#) and [January 8, 2007 Federal Registers](#) (FRs), EPA proposed approval of Michigan's redesignation requests for eleven (11) and five (5) counties, respectively, as meeting the 8-hour ozone National Ambient Air Quality Standard (NAAQS). (Additional details are available in the [January 2007 About the Air](#)).

EPA had also proposed in these FRs to approve revisions to Michigan's State Implementation Plan (SIP) for these counties. Included in the SIP are all required air program elements and control measures for these areas to maintain the 8-hour ozone standard through the next 10 years and the state's 2018 motor vehicle emissions budgets. (Details of Michigan's submittals can be found in the [May 2006 About the Air](#)).



On December 22, 2006, the U.S. Court of Appeals for the District of Columbia Circuit vacated EPA's [Phase 1 Ozone Implementation Rule](#) for the 8-hour ozone NAAQS. In the Court's Opinion, they rejected EPA's classification system in which some 8-hour ozone nonattainment areas were subject to Subpart 1 of the Clean Air Act (CAA). The Court also rejected EPA's treatment of New Source Review, contingency measures, CAA Section 185 penalties and conformity concluding that withdrawing any of these measures from a SIP would constitute impermissible backsliding. This ruling left uncertainty about many ozone SIP requirements and EPA's ability to give final approval to the redesignations.

EPA issued a supplemental proposed rulemaking in the [March 22, 2007 FR](#) that set forth EPA's view on the potential effect of the Court's ruling on already proposed redesignation actions for areas in Michigan, Ohio, and West Virginia. EPA believes that the Court's Opinion imposes no impediment to moving forward with the redesignations, that redesignation is appropriate under the relevant provisions of the CAA and EPA's longstanding policies, and that the ruling does not alter any requirements that would prevent EPA from finalizing the redesignations. In a separate but related action, EPA also filed a petition to the Court on March 22, 2007 for a Panel Rehearing on five issues in the Court's ruling on the Phase 1 Ozone Implementation Rule. EPA believes that this rehearing is warranted because significant portions of the Opinion are based upon issues that were neither raised nor briefed by the parties involved in the case.

In the meantime, EPA is encouraging States to continue to develop their 8-hour ozone SIPs to ensure public health protection, and to continue issuing New Source Review permits that meet current applicable 8-hour requirements.

**NOTE:** Effective March 2, 2007, EPA did approve Michigan's SIP revision that established a Reid Vapor Pressure (RVP) limit of 7.0 pounds per square inch for gasoline sold in Southeast Michigan. EPA found that the RVP requirements are necessary to reduce volatile organic compound (VOC) emissions in order for Southeast Michigan to achieve the 8-hour ozone NAAQS (see EPA's Promulgated Final Rules on Page 16).



## AQD STAFF RECEIVES 2007 **AIRNow** OUTSTANDING PARTNER AWARD

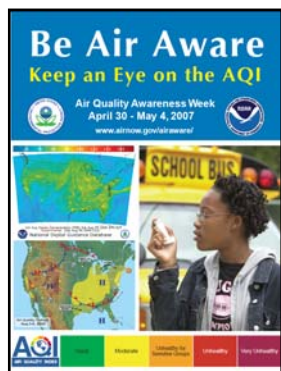
On February 12, 2007, Ms. Laura DeGuire (center) of the AQD was presented with the EPA's 2007 **AIRNow** Outstanding Partner Award for her exceptional contributions to the **AIRNow** Program. EPA **AIRNow** Program Director Phil Dickerson (shown right) and Chet Wayland, Director, EPA Air Quality Assessment Division (shown left) presented Ms. DeGuire with her award during the plenary session of the National Air Quality Conference, which was attended by more than 350 representatives of federal, state, local and tribal governments, metropolitan planning organizations, environmental advocacy groups and industry, as well as several different countries.



The **AIRNow** Program began about ten years ago as a federal/state/local air agency partnership with a goal of providing timely and understandable web-based air quality information to the public. The Air Quality Index (**AQI**), pollutant mapping, and **EnviroFlash** forecasts are all components of the **AIRNow** Program. In addition to her role as a member of the **AIRNow** Steering Committee, Laura is also the Michigan Administrator for **EnviroFlash**, a free public service that sends automated air quality forecast e-mails or text messages to individual citizens. Laura saw her participation in the development of these outreach tools as an opportunity to include Michigan's perspective in this national air quality outreach program. She spearheaded the 2005 Detroit **EnviroFlash** Pilot that has evolved to forecast in 12 areas across the state. In addition, last fall Michigan rolled out **MIair** (details available in [November 2006 About the Air](#)), a real-time web resource that consolidates the **AQI**, **EnviroFlash** forecasts, real-time air data reporting, air pollutant mapping, voluntary **Action!** Day programs, and reference links to a variety of air programs. Today, air quality forecasts are available to over 98% of Michigan's population.

Laura's skills involved coordinating with numerous stakeholders at all levels, being extraordinarily responsive to the concerns and needs of local partners, and being able to influence the development of the **AIRNow** program to enhance public outreach. Laura, although very honored to receive the national award, indicates that the development of Michigan's air quality outreach tools has been a group effort and that the support of her colleagues – especially AQD air monitoring staff and forecast meteorologists – is instrumental to the superb forecast and real-time data program that exists today. For more information on Michigan's air quality outreach programs visit the AQD's website at <http://www.michigan.gov/degair> and click on **MIair**.

## AIR QUALITY AWARENESS WEEK IS APRIL 30 – MAY 4, 2007



With ozone season only a month away, the AQD and others in the **AIRNow** community have begun making the necessary preparations. To help promote ozone season kickoff events, the EPA and the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service have partnered together to urge Americans to "**Be Air Aware**" during Air Quality Awareness Week, April 30-May 4, 2007. Under this partnership, several newly created outreach materials available are the Public Information Statements that can be used by local National Weather Service Forecast offices which will contain the daily messages for the week, and the Air Quality Awareness Week Event Planning Kit that contains information on working with the media and the public to create a successful awareness event. In addition, these events will also be announced on the Awareness Week website at <http://www.epa.gov/airnow/airaware/local.html>.

The AQD continually strives to provide air quality information and will continue to work with the local Clean Air Coalitions, community asthma groups, and other organizations to provide air quality notifications across Michigan. However, due to federal funding cuts, Michigan's air quality monitoring program is currently at risk (see the following article on Page 5).

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## EPA'S ANNOUNCED REDUCED FUNDING THREATENS MICHIGAN'S AIR QUALITY MONITORING PROGRAM

In early 2006, presidential budget cuts were made to EPA's environmental programs for fiscal year 2007 (the 2007 fiscal year runs from October 1, 2006 through September 30, 2007). In January 2007, through a continuing resolution, Congress restored these funds to EPA without stipulations. On March 15, 2007, the EPA unexpectedly notified Congress and all states of their intent to redistribute air funds to non-air programs. This announced decision, if implemented, will eliminate \$20.5 million of federal funding from the current 2007 fiscal year's grant that supports States' air programs. For Michigan, the estimated reduction to the state's air grant is expected to be up to \$520,000, although EPA has recently indicated it may be less.

Michigan's air quality monitoring program, operated by AQD staff and other governmental agencies, utilizes measurements of air toxics (toxic organic compounds, carbonyls, VOCs, trace metals including lead, and more) for potential exposure level assessments, monitors the six criteria pollutants to determine what areas are meeting NAAQS for attainment purposes, and provides data for use in the AQD's permitting process. In addition, the AQD's monitoring data is used to provide timely reporting to [MIair](#) that displays air quality forecasts, provides notifications, and much more (see previous articles on Page 4).

State air quality monitoring programs are designed to meet EPA's national air quality monitoring requirements. In December 2006, EPA released new and additional monitoring requirements that included increased sampling for fine PM (PM<sub>2.5</sub>) monitoring (see the [January 2007 About the Air](#) for details). Due to EPA's decision to cut air funds, along with the impact of the additional monitoring requirements, AQD will discontinue the operation of several air quality monitors.

Effective April 2, 2007, all air quality data monitors that are not federally required or paid for by other restricted federal funds are being phased-out or have ceased operation. These include five (of 29) ozone, four (of six) CO, six (of seven) sulfur dioxide, and three (of four) nitrogen dioxide monitors. In addition, much of the air toxics sampling has been eliminated. The following are the monitoring site locations that have been impacted by EPA's funding change: Seney (Upper Peninsula), Grand Rapids and Holland in West Michigan, East Michigan's Port Huron and Flint, and Southeast Michigan's Allen Park, Detroit (W. Fort Street, W. Jefferson, E. Seven Mile Road, and Linwood), Livonia, Oak Park, River Rouge, Warren, and Ypsilanti.

The MDEQ and the Governor's Office have actively engaged Michigan's Congressional Delegation to seek restoration of the grant funds. In letters from MDEQ Director Steven E. Chester to U.S. Congressional Members Knollenberg and Kilpatrick, Director Chester emphasized that not only would the number of monitors be reduced, but that these cuts also threaten state compliance and possibly Michigan's attainment status in various counties. In addition, the AQD may need to lay-off staff that could affect SIP activities and delay the issuance of air quality permits. Governor Jennifer M. Granholm and the Michigan Congressional Delegation followed up with letters to the Administrator of the EPA expressing great concern that these cuts place critical air quality programs at risk and urged EPA to reconsider and restore funding for the remainder of this fiscal year for AQD to continue operating Michigan's air monitoring program and avoid staff reductions.

The AQD will provide further updates on the funding situation in upcoming *About the Air* newsletters.



## UPDATES ON MICHIGAN'S PROPOSED AIR POLLUTION CONTROL RULES

All existing and the following proposed Air Pollution Control Rules pursuant to Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 Public Act 451 (PA 451), as amended, are available at: <http://www.michigan.gov/degair>, "Laws and Rules" or by contacting Mary Ann Halbeisen, AQD, MDEQ, PO Box 30260, Lansing, MI 48909-7760; 517-373-7045; e-mail [halbeism@michigan.gov](mailto:halbeism@michigan.gov).

**New Source Review (NSR) Permit Program:** A public hearing was held on December 20, 2006, on proposed Part 19, NSR for Major Sources Impacting Nonattainment Areas; Part 1, General Provisions; and Part 2, Air Use Approval. MDEQ staff is currently reviewing comments received. AQD contact is Jeffrey Rathbun, 517-241-8072, [rathbuja@michigan.gov](mailto:rathbuja@michigan.gov). These are the rule initiatives:

**2004-006EQ:**

Part 1, General Provisions, R 336.1102 to R 336.1105, R 336.1109, R 336.1112 to R 336.1114 and R 336.1122. Proposed amendments will modify definitions used in the NSR and Prevention of Significant Deterioration (PSD) permitting rules. The definition for VOC is also being revised to delist five compounds that EPA has determined negligibly photochemical reactive.

**2004-007EQ:**

Part 2, Air Use Approval, R 336.1201, R 336.1202, R 336.1205, R 336.1207, R 336.1211, R 336.1213, R 336.1214, R 336.1214a, R 336.1219, R 336.1220, R 336.1240, R 336.1241, R 336.1277, R 336.1278, R 336.1281, R 336.1284, R 336.1285, R 336.1288, and R 336.1299. Proposed amendments will rescind R 336.1220 and modify NSR permitting rules to reflect Michigan's new permitting authority. In addition, a new exemption was added that allows for routine and emergency venting of natural gas from transmission and distribution systems or field gas from gathering lines.

**2004-054EQ:**

Part 19, NSR for Major Sources impacting Nonattainment Areas, R 336.2901 to R 336.2903, R 336.2907, R 336.2908, and R 336.2910. Proposed new rules are for the NSR permitting program for major sources impacting nonattainment areas.

**2005-035EQ:** The consumer product rules (R 336.1660 and R 336.1661) were filed with the Secretary of State on January 29, 2007, and went into effect immediately. The rules will limit VOC content in the consumer and commercial products manufactured, sold, or used in Michigan. The rules are intended to reduce VOC emissions in order to bring nonattainment areas back into attainment of the 8-hour ozone standard. See 2007-006EQ for proposed revisions to these rules. AQD contact is Asad Khan, 517-335-6825, [khana@michigan.gov](mailto:khana@michigan.gov).

**2005-036EQ:** On June 6, 2005, a Request for Rulemaking (RFR) was approved for the addition of R 336.1420 in Part 4 to reduce transported emission of sulfur dioxide from electric generating units (EGUs). On May 1, 2006, the RFR was revised to include the revision of R 336.1401, R 336.1402, and R 336.1404, and the addition of R 336.1401a and R 336.1405 to R 336.1407 for the Wayne County sulfur dioxide rules. The State Office of Administrative Hearings and Rules (SOAHR) approved the Regulatory Impact Statement on March 8, 2007, and submitted the proposed amendments to the Legislative Service Bureau for informal review on March 15, 2007. AQD contacts are Steve Kish, 517-335-4794, [kish@michigan.gov](mailto:kish@michigan.gov), and Teresa Walker, 517-335-2247, [walkertr@michigan.gov](mailto:walkertr@michigan.gov).

**2005-037EQ:** On June 6, 2005, an RFR was approved for amendments to Part 8 to reduce transported emission of oxides of nitrogen (NO<sub>x</sub>) from EGUs. The proposed package revises R 336.1803 and adds R 336.1802a, R 336.1821 to R 336.1826, and R 336.1830 to R 336.1834. A public hearing was held on April 2, 2007. AQD contact is Teresa Walker, 517-335-2247, [walkertr@michigan.gov](mailto:walkertr@michigan.gov).

**2005-038EQ:** On June 6, 2005, and July 3, 2006, an RFR was approved to add Part 15, R 336.2501 to R 336.2516 to reduce emissions of mercury from EGUs. The last stakeholder workgroup meeting to develop draft rules was held on January 30, 2007. AQD contact is Julie Brunner, 373-7088, [brunnejl@michigan.gov](mailto:brunnejl@michigan.gov).

**2006-043EQ:** On May 30, 2006, SOAHR approved an RFR to add R 336.1640 to Part 6 to limit VOC emissions at a cement manufacturing facility. AQD contact is Asad Khan, 517-335-6825, [khana@michigan.gov](mailto:khana@michigan.gov).

(UPDATES ON MICHIGAN'S PROPOSED AIR POLLUTION CONTROL RULES CONTINUE ON PAGE 7)

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**UPDATES ON MICHIGAN'S PROPOSED AIR POLLUTION CONTROL RULES (CONTINUED)**

**2007-005EQ:** On January 31, 2007, an RFR was approved for rescinding Part 12, Emission Averaging and Emission Reduction Credit Trading, R 336.2201 to R 336.2218. SOAHR approved the Regulatory Impact Statement and forwarded the proposed amendment to the Legislative Service Bureau for informal review on March 15, 2007. AQD contact is Teresa Walker, 517-335-2247, [walkertr@michigan.gov](mailto:walkertr@michigan.gov).

**2007-006EQ:** On January 31, 2007, an RFR was approved for amendments to R 336.1660 and R 336.1661. The proposed amendments to the consumer product rules will adopt by reference the amended Ozone Transport Commission (OTC) Model Rule that was published September 13, 2006. The amended rules are intended to further reduce VOC emissions by including more products. Adoption of the amended rules will also allow Michigan regulations to be consistent with the other EPA Region 5 states that adopt the amended OTC Model Rule. AQD contact is Asad Khan, 517-335-6825, [khana@michigan.gov](mailto:khana@michigan.gov).

**AQD PERMIT DECISIONS  
FOR THE MONTHS OF JANUARY THROUGH MARCH 2007**

Permit related information, including a list of NSR applications currently open for public comment, along with a query for information on pending NSR applications is available on AQD's Air Permit System website at <http://www.deq.state.mi.us/aps/>. **NOTE:** Public hearings are tentatively scheduled for each application but are only held if requested.

**ASAMA COLDWATER MANUFACTURING, INC., COLDWATER:** Permit No. 280-06 was approved by Ms. Lynn Fiedler on January 16, 2007 for a new expansion foundry at 180 Asama Parkway.

**CADILLAC ASPHALT, L.L.C., WHITMORE LAKE:** Permit No. 472-97A was approved by Mr. G Vinson Hellwig on February 8, 2007 for a hot mix asphalt facility at 11620 Whitmore Lake Road. The decision was made after public input during the comment period and public hearing held on January 10, 2007.

**DOW CHEMICAL CO., LUDINGTON:** Permit No. 281-06 was approved by Ms. Fiedler on March 19, 2007 for a dry calcium chloride material handling and loading process at 1600 South Madison Street.

**FORD MOTOR CO., DEARBORN:** Permit No. 342-06 was approved by Ms. Fiedler on January 24, 2007 for conversion of existing permit requirements into a flexible permit format for the facility located at 3001 Miller Road.

**GENESEE POWER STATION, FLINT:** Permit No. 265-06 was approved by Mr. Hellwig on January 22, 2007 for the addition of animal bedding as fuel in the existing wood-fired boiler located at G-5310 North Dort Highway. The decision was made after public input during the comment period and public hearing held on December 13, 2006.

**GREAT LAKES CASTINGS CORP., LUDINGTON:** Permit No. 329-06 is a hazardous air pollutant opt-out permit approved by Ms. Fiedler on March 20, 2007 for the facility at 800 North Washington Avenue.

**LIBERTY RENEWABLE FUELS, PAMAR ENTERPRISES, INC., CHESTERFIELD TOWNSHIP:** Permit No. 160-06D was approved by Mr. Hellwig on February 28, 2007 for the operation of portable non-metallic mineral processing equipment located at 58021 Gratiot Avenue. The decision was made after public input during the comment period and public hearing held on January 8, 2007.

**LOUISIANA-PACIFIC CORP., SAGOLA:** Permit No. 41-03D was approved by Mr. Hellwig on March 12, 2007 for the operation of the wood and natural gas thermal oil heaters on the existing oriented strand board manufacturing facility located at N8504 Highway M-95.



## AQD ENFORCEMENT ACTIONS



**AAR MOBILITY SYSTEMS, A DIVISION OF AAR MANUFACTURING, INC., CADILLAC:** AAR Mobility at 201 Haynes Street manufactures air cargo transportation equipment for the military including containers, pallets, and aircraft floor panels. On February 8, 2007, AAR Mobility entered into a consent order with the AQD to resolve violations of PA 451 and testing requirements specified in their Renewable Operating Permit (ROP) No. MI-ROP-B4197-2005. Specifically, the company failed to demonstrate compliance with the capture and destruction efficiency of the Regenerative Thermal Oxidizer (RTO) by January 17, 2006. Under terms of the consent order, AAR was required to conduct stack testing to verify capture and destruction efficiency of the RTO. During the public comment period on the proposed consent order, they tested and failed to demonstrate compliance with the capture efficiency and immediately implemented modifications to resolve the inadequate capture efficiency at two of its operations. AAR then re-tested and verified compliance with the capture and destruction efficiency permit requirements. The consent order contained increased stipulated fines and an increased settlement of \$25,000 due to delayed compliance.

**GREDE FOUNDRIES INC., KINGSFORD:** Grede Foundries at 801 S. Carpenter Avenue operates a gray iron castings foundry producing high-quality castings used in industrial machinery and heavy transportation equipment manufacturing. On January 3, 2007, Grede and the AQD entered into a consent order to resolve violations of PA 451 and associated rules. Specifically, Grede violated Rules 336.1201(3) and 336.1331, Permit to Install (PTI) No. 199-04A, and ROP No. 199700016 by emitting CO, PM and PM<sub>10</sub> in excess of allowable limits. In February 2007, under the terms of the consent order, Grede implemented a corrective action plan that exceeded \$1.5 million in investment and facility enhancements to correct the PM, PM<sub>10</sub> and CO excess emissions violations. In addition, the company has committed to emissions compliance testing for PM by January 20, 2008 or within 180 days of installing new baghouse control equipment; emissions compliance testing for CO in March 2007, by September 2007, and September 2008; has committed to installation of a continuous emission monitoring system to enhance the ability to monitor CO emissions, observe trends and maintain compliance; and to pay \$384,650 and penalties up to \$3,000 per violation per day for any future noncompliance.

**LOUISIANA PACIFIC CORP., NEWBERRY:** Louisiana Pacific at 7299 N. County Road 403 operates an oriented strand board plant. On November 8, 2006, Louisiana Pacific and the AQD entered in a consent order to resolve violations of PA 451 and federal National Emission Standards for Hazardous Air Pollutants (NESHAP). Specifically, the company exceeded a PM<sub>10</sub> exhaust concentration emission limit from their 2 Konus thermal oil heaters and failed to properly certify and report the existence of the emission violation as required in their ROP. Under the terms of the consent order, Louisiana Pacific has corrected the emission problem, implemented a malfunction abatement plan, is doing a Supplemental Environmental Project to install diesel oxidation catalyst systems on thirteen school buses, and pay \$39,900 with penalties of \$500 to \$7,500 per violation per day for any future noncompliance.

**MERIT ENERGY CO., FACILITIES LOCATED IN GRAND TRAVERSE, MANISTEE, OSCODA, AND OTSEGO COUNTIES:** Merit Energy operates several facilities which process natural gas located in central Michigan's Lower Peninsula. On October 23, 2006, Merit Energy and the AQD entered into a consent order to resolve violations of PA 451. Specifically, Merit Energy failed to comply with the recordkeeping and reporting of process equipment and exceeded the emission limitations for CO, NO<sub>x</sub> and VOC in their PTI Nos. 479-96, 649-96, 210-98, 311-01, 48-04, 51-04, and 53-04; failed to maintain records and failed to perform monthly monitoring on valves, pumps and compressors and initiate repairs following leak detection within the time period required by the federal New Source Performance Standards; and violated Rules 119(dd), 201, 210 and 910. Under the terms of the consent order, Merit Energy has implemented a compliance program at their facilities, has committed to maintain all process equipment in accordance with Preventative Maintenance and Malfunction Abatement Programs, has installed new catalytic converter control, submitted revised Michigan Air Emission Reporting System (MAERS) fees for one facility to correct prior emission statements, and pay \$70,975 with penalties up to \$5,000 per violation per day for any future noncompliance, and penalties of \$10,000 for any future failure to obtain a required installation permit.

(AQD ENFORCEMENT ACTIONS CONTINUE ON PAGE 9)



**MIDLAND COGENERATION VENTURE, MIDLAND:** Midland Cogeneration at 100 Progress Place is a cogeneration facility that provides process steam and electricity to the Dow Chemical Co., megawatts of capacity and associated energy to Consumers Energy Co., and provides electricity to other users. On August 29, 2006, Midland Cogeneration and the AQD entered into a consent order to resolve violations of PA 451 and the federal PSD regulations. Specifically, the company emitted excess CO emissions and had not maintained various records in a satisfactory manner in violation of PTI No 209-02. Under the terms of the Consent Order, Midland Cogeneration is required to comply with provisions of PTI No. 316-05A, implement an AQD approved Malfunction Abatement Plan, keep records and submit reports, conduct stack testing, and pay \$45,000 and stipulated penalties of up to \$3,000 per violation per day for any future noncompliance.

**QUANEX CORP., MACSTEEL DIVISION, JACKSON:** Quanex Corp.'s MacSteel Division at 3100 Brooklyn Road is a steel bar manufacturer, formerly known as Michigan Seamless Tube Co., that has been producing steel since mid-1974. On October 19, 2006, Quanex and the AQD entered into a consent order to resolve violations of PA 451 and federal PSD regulations. Specifically, the company was in violation of ROP No. 199700072 and PTI No. 535-96G when they exceeded the CO emission limits during the stack testing conducted in December 2004 and June 2005, when they had not demonstrated compliance with the sulfur dioxide pound per ton at or near the allowed sulfur in the coke for the foamy slag and production limits, improperly handled hazardous baghouse dust during load out for removal from the plant and roadway fugitive dust, failed to keep records in an AQD approved format, and failed to provide a test plan as required in annual performance emission testing. Under the terms of the consent order, Quanex Corp. is required to comply with provisions of PTI No. 535-96G and PTI No. 535-96I, install and operate the CO continuous emission monitoring system in accordance with the schedule outlined in PTI No. 535-96I, comply with the CO emission rate established in PTI 535-96I, shall not empty the baghouse unless an AQD approved Fugitive Dust Control Plan is implemented, shall not operate the Electric Arc Furnaces, Ladle Metallurgy Furnace, and Vacuum Arc Degasser unless an AQD approved Malfunction Abatement Plan is implemented, keep separate records, and pay \$139,000 and penalties up to \$2,500 per violation per day for any future noncompliance.

**RAND ENVIRONMENTAL SERVICES, INC., TAYLOR; AND DELROSARIO PROPERTIES, TRENTON:** Rand Environmental at 26453 Northline Road is an abatement/demolition company who performed asbestos abatement renovation activities at a Southgate residential/commercial facility located at 14328 Northline Road that is owned by Delrosario Properties, 24868 Emily Drive. On September 29, 2006 and October 10, 2006, respectively, Rand Environmental and Delrosario Properties entered into separate consent orders with the AQD to resolve violations of the federal CAA, PA 451 and associated rules, and the federal Asbestos NESHAP. Specifically, Rand Environmental did not remove prior to demolition and renovations activities any Regulated Asbestos Containing Material (RACM) at the Southgate facility, and they failed to adequately wet all RACM during the removal, storage, and disposal process violating Section 112 of the federal CAA, the Asbestos NESHAP, and Rule 942. Under the terms of the consent order, both companies are required to strictly comply with the Asbestos NESHAP and associated regulations, and Rand Environmental Services, taking sole financial responsibility for their action, has agreed to pay \$7,000 and stipulated fines of up to \$2,000 per violation per day for any future noncompliance.

**TRENTON FORGING, TRENTON:** Trenton Forging at 5523 Hoover Road manufactures and supplies steel forgings for the automotive industry, truck manufacturers, agriculture equipment makers, and railcar producers. On September 20, 2006, Trenton Forging and the AQD entered into a consent order to resolve violations of PA 451. Specifically, the company installed and operated eight natural gas-fired internal combustion engines without applying for and obtaining a ROP under Rule 210 and failed to submit the required MAERS reports under Rule 212 following the installation of the violating equipment. Under the terms of the consent order, Trenton Forging has voluntarily removed the eight natural gas-fired engines and replaced them with electric driven motors, thereby removing all Title V requirements under the ROP program and bringing their emissions to near zero. In addition, they have agreed to pay \$22,400 and stipulated penalties of up to \$10,000 per violation per day for any future noncompliance.

## MICHIGAN SIGNS GREENHOUSE GAS REGISTRY RESOLUTION

Michigan has signed a Resolution in Support of a Voluntary Midwest Greenhouse Gas Registry joining seven other Midwest states including Illinois, Indiana, Iowa, Minnesota, Missouri, Ohio, and Wisconsin. The states have been working with the Lake Michigan Air Directors Consortium (LADCO) to develop a framework for a voluntary Midwest registry of greenhouse gas emissions. All of the funding for the development of the registry framework has come from private foundation monies. Efforts for the registry were initiated by LADCO after receiving a grant from the Joyce Foundation in August, 2005 at the request of Michigan and Wisconsin. Subsequently, an additional grant from the Energy Foundation was awarded to LADCO for further development of the registry.

The voluntary registry will provide the mechanism for greenhouse gas-emitting companies to track their emissions and reductions and will provide a validated list of greenhouse gas emission reduction credits available for possible trading. The registry will work in conjunction with registries already in place from the Northeast to California to become a multi-state registry involving more than 30 states. Details on the Resolution are at [http://www.ladco.org/regional\\_greenhouse.htm](http://www.ladco.org/regional_greenhouse.htm), and Michigan's greenhouse gas inventory is at <http://www.deq.state.mi.us/documents/deq-aqd-air-aqe-greenhouse-gases.pdf>.

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## ENERGY STAR PROGRAM ANNOUNCES 2006 AWARDS TO 11 MICHIGAN COMPANIES

Probably best known as a label for energy performance on appliances and electronics, EPA started the Energy Star program in 1992 to help businesses and consumers protect the environment through energy efficiency. Commercial buildings account for nearly 18% of the nation's greenhouse gas emissions. In 2006, Energy Star helped consumers and businesses save \$12 billion and prevent greenhouse gas emissions equal to those from 23 million cars.

On February 23, 2007, EPA awarded its 2006 Energy Star status for the nation's top energy savers to 53 office buildings, schools, hospitals, public buildings and college dormitories located in Illinois (4), Indiana (4), Michigan (11), Minnesota (9), Ohio (6), and Wisconsin (19). Buildings earn the Energy Star rating by scoring in the top 25% on EPA's national energy performance rating system based on actual energy use. For Michigan, the following 11 buildings received the 2006 Energy Star label:

- ▶ Detroit: John D. Dingell Veterans Affairs (VA) Medical Center, Compuware Headquarters, Renaissance Center, and Coleman A. Young Municipal Center.
- ▶ Comstock Park: Alpine Elementary School.
- ▶ Grand Rapids: Fairview Elementary School and Kenowa Hills Intermediate School.
- ▶ Dearborn: iTek Center, Ford Manufacturing Procurement Operations, and Regent Court Building.
- ▶ Ann Arbor: VA Ann Arbor Healthcare System.

Nationwide, since the program began more than 3,200 top performing buildings have earned the Energy Star for cuts to their energy bills. The 930 Energy Star buildings selected nationally in 2006 will save an estimated \$420 million annually in lower energy bills and prevent 4 billion pounds of greenhouse gas emissions, equivalent to emissions from more than 300,000 vehicles.

More information on Energy Star is available on their website at <http://www.energystar.gov>. For a complete listing of buildings by state, visit <http://www.energystar.gov/labeledbuildings>.

## CLEAN CITIES PROGRAM



The Department of Labor & Economic Growth's (DLEG's) Michigan Energy Office has issued a Request for Proposals (RFP) to provide \$24,500 in funding for Michigan communities to develop local markets and the infrastructure for alternative fuels and alternative fuel vehicles (AFVs) through the Clean Cities Program. The Clean Cities Program offers guidelines for planning, technical assistance and access to financial resources for demonstrating alternative fuels and AFV benefits. One grant is available to defray a portion of the administrative expense of developing a Clean Cities designation application. To obtain a copy of the RFP, contact Tim Shireman, DLEG at 517-241-6281 or e-mail [tashire@michigan.gov](mailto:tashire@michigan.gov). **NOTE:** Proposals are due by 5:00 p.m. on **April 30, 2007**.

Clean Cities is a locally-based government and industry partnership, coordinated by the U.S. Department of Energy (DOE) to expand the use of alternatives to gasoline and diesel fuel. The partnership helps all parties identify mutual interests and meet the objectives of reducing the use of imported oil, developing regional economic opportunities, and improving air quality. There are currently three areas of the state which have obtained Clean Cities designation by the DOE:

Clean Energy Coalition, designated in April 1999, administers the Ann Arbor Area Clean Cities (AACC) Program. The AACC is a public/private partnership formed to initiate the infrastructure and increase demand for AFVs within Washtenaw County with the goals of improving air quality, reducing dependence on foreign oil, and empowering the businesses and residents of the community to move towards creating a more sustainable community. To learn more about AACC, visit the program's website at: [www.aacleancities.org](http://www.aacleancities.org). Information contact/coordinator for the Clean Energy Coalition is Sean Reed, 734-717-1455, [reed@cec-mi.org](mailto:reed@cec-mi.org).

Detroit Area Clean Cities Coalition, designated a Clean Cities Coalition in December 1996 as part of the Detroit-Toronto Clean Cities Corridor, includes Livingston, Macomb, Monroe, Oakland, St. Clair, and Wayne Counties. The Detroit Area Clean Cities Coalition is one of a network of more than 80 community based coalitions focused on promoting alternative fuels and vehicles, fuel blends, fuel economy, hybrid vehicles, and idle reduction. The Coalition has developed workgroups specifically in the area of Biofuels, Education and Promotion, Fleet Procurement, Hydraulic Hybrids and Fund-raising. Information contact/coordinator is Dan Radomski, 313-833-0100 ext. 150, [danr@nextenergy.org](mailto:danr@nextenergy.org).

Greater Lansing Area Clean Cities (GLACC), designated a Clean Cities Coalition in September 2003, was formed in November 1997. The GLACC is a private/semi-private/public/governmental partnership located in the tri-county area of Ingham, Eaton, and Clinton counties committed to cleaner air and reduction of greenhouse gas emissions from motor vehicles. In addition, the GLACC is committed toward operating local transportation systems using domestically produced fuels such as natural gas, propane, electricity, and renewable fuels such as ethanol and biodiesel. Information contact/coordinator is Jim Pitts, 517-230-9299, [glacc@hotmail.com](mailto:glacc@hotmail.com).

For more information on DOE's Clean Cities, visit their website at <http://www.eere.energy.gov/cleancities/> or contact Tim Shireman of DLEG.





## ENVIRONMENTAL WORKSHOPS

The following workshop information is available at <http://www.michigan.gov/degworkshops>, or by contacting the Environmental Assistance Center at 800-662-9278, e-mail [deg-ead-env-assist@michigan.gov](mailto:deg-ead-env-assist@michigan.gov).

### **FEDERAL FACILITIES ENVIRONMENTAL WORKSHOP**

**APRIL 25, 2007**

**NEXTENERGY CENTER, 461 BURROUGHS, DETROIT 48202**

This workshop will feature staff from the MDEQ, EPA Region 5, and the Department of Defense who will present a variety of topics relating to alternative and renewable energy, including energy efficiency and biofuels. This workshop is recommended for environmental staff of Department of Defense facilities in Michigan and the Great Lakes region that have an interest in energy-related issues pertaining to Executive Order 13123, "Greening the Government through Efficient Energy Management." Department of Defense contractors, energy suppliers, manufacturers, and vendors, as well as other federal facility staff will benefit from this workshop and are encouraged to attend.

Registration fee is \$55. A vendor area will feature exhibitors who manufacture or distribute renewable energy systems. A [workshop brochure](#) (PDF) and an [on-line registration form](#) are now available. For workshop information contact Steve Kulesia, ESSD, 517-373-3109, [kulesias@michigan.gov](mailto:kulesias@michigan.gov).

### **MICHIGAN BUSINESS: SURVIVE OR THRIVE?**

#### **REVITALIZING MICHIGAN THROUGH SUSTAINABLE BUSINESS INNOVATION**

**APRIL 25, 2007**

**[HANNAH COMMUNITY CENTER](#), EAST LANSING**

Join forward-thinking Michigan CEOs and executive managers in a moderated dialogue and strategy session designed to: catalyze internal company efforts, help retain and attract the best talent, create the foundation for a new model for sustainable businesses in Michigan, create incentives to reduce your company's environmental footprint, and determine what support is needed from government, nonprofits, and academia to promote sustainability. The cost of the workshop is \$125. A [workshop brochure](#) (PDF), [on-line registration form](#), and information on [workshop sponsor opportunities](#) is now available.

### **MICHIGAN CLEAN FLEET CONFERENCE**

**MAY 17, 2007**

**NEXTENERGY CENTER, DETROIT**

Join us for an educational and network building event on clean transportation options for fleets! This event will include presentations and exhibits covering alternative fuels, hybrids, clean diesel technologies, and much more. Ride in an alternative fuel or hybrid vehicle! Network with other fleet managers, government and planning officials, and industry experts to discover ways to reduce fuel usage, decrease emissions, and save money.

To inquire about sponsorship and exhibitor opportunities, contact Dan Radomski, 313-833-0100 ext. 150, [danr@nextenergy.org](mailto:danr@nextenergy.org). For registration and conference details, contact Sue Pinkowski, 313-833-0100 ext. 310, [suep@nextenergy.org](mailto:suep@nextenergy.org).

(ENVIRONMENTAL WORKSHOPS CONTINUE ON PAGE 13)

## **TOXIC CHEMICAL RELEASE INVENTORY (TRI) 2007 TRAINING**

The Michigan Superfund Amendments and Reauthorization Act Program (SARA Title III) and the EPA are conducting multiple workshops in May for TRI reporting. TRI reporting is required under Section 313 of the Emergency Planning and Community Right-to-Know Act, also known as SARA Title III. Whether you are new to TRI reporting or experienced, choose the level of training from these workshops that best suits your needs.

### **TRI 2007 TRAINING WORKSHOP**

**MAY 17, 2007**

**KELLOGG HOTEL & CONFERENCE CENTER**

**MICHIGAN STATE UNIVERSITY, EAST LANSING**

**TRI NOVICE REPORTERS** will attend a full-day workshop designed for those with little or no knowledge of reporting requirements and will cover the regulation, eligibility criteria, reporting process and detailed forms completion, changes for 2006 report year, and enforcement activities.

**TRI EXPERIENCED REPORTERS** will have a half-day workshop (runs concurrent with the novice full-day workshop) that will cover reporting requirements, the reporting process, Internet submissions, and changes for the 2006 report year.

### **EPA TRI 2007 TRAINING WORKSHOP:**

The following training dates for **TRI EXPERIENCED REPORTERS** are set in a computer lab that will provide hands-on use of the EPA TRI-ME reporting software to determine eligibility and complete the forms. The training will include a discussion of the TRI Assistance Library and report submission through the Internet. Attendees will use a problem set and examples in determining eligibility and release and waste management reporting. Reporting changes for 2006 will also be discussed.

**5/22/07** [LCC West Campus](#), Lansing

**5/24/07** [VisTaTech at Schoolcraft College](#), Livonia



## **WHAT'S NEW "IN THE AIR" FROM EPA'S WEBSITE**

**JANUARY THROUGH MARCH 2007**

The following is a partial listing of EPA's current air quality related information found on the EPA's "What's New" and FR websites (<http://www.epa.gov/epahome/WhatsNew.html> and <http://www.epa.gov/fedrgstr/index.html>, respectively). **Note:** Upcoming FR comment deadline dates and other important dates are shown as **bolded** text.

[Commodity-Grade Mercury: Notice of Stakeholder Panel Process, Notice of Public Meeting, and Solicitation of Public Comment](#) – In the March 29, 2007 FR, EPA, in conjunction with other Federal agencies and offices, announced a stakeholder panel process to provide approaches for management of non-Federal supplies of commodity-grade mercury. The need for management arises from concern that some mercury supplies may ultimately be released into the environment, resulting in human exposure with the potential to cause adverse health effects. A stakeholder panel will hold a series of meetings and the public is invited to submit written comments to EPA on the issues the stakeholder panel will address. Stakeholder panel meetings will be open to the public and there will be opportunity for public comment at each meeting. Information on the public meetings will be available at <http://www.epa.gov/mercury/roadmap.htm>. The first meeting will be held on **May 8, 2007**, from 9 a.m. to 5 p.m., in Washington, DC. Requests to participate in the meeting must be received by **April 12, 2007**. Dates of future meetings will be announced at <http://www.epa.gov/mercury/roadmap.htm>.

Adequacy Status Notice of Michigan's [Motor Vehicle Emissions Budgets in Four Areas for Transportation Conformity Purposes](#), effective **February 7, 2007** – In the January 23, 2007 FR, EPA approved the Michigan 2018 motor vehicle emissions budgets, submitted for conformity purposes as part of the state's 8-hour ozone redesignation requests and maintenance plans for Flint, Muskegon County, Berrien County, and Cass County areas.

(WHAT'S NEW FROM EPA'S WEBSITE CONTINUES ON PAGE 14)

Notice to extend period of objection for the [Notice of Data Availability for EGU NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season Allocations for the Clean Air Interstate Rule Federal Implementation Plan Trading Programs](#) – In the February 16, 2007 FR, EPA extended the period for submission of objections for this notice of data availability, published on August 4, 2006, to **June 1, 2007** for cogeneration units combusting biomass (biomass cogeneration units). Certain biomass cogeneration unit owners and operators requested the additional time to submit objections because of difficulties in collection of information relating to the application of efficiency standards for cogeneration units to biomass cogeneration units. For all other objections, the deadline was October 5, 2006.

## CURRENTLY PROPOSED FEDERAL RULES

Proposed rule on the control of air pollution from [New Motor Vehicles and New Motor Vehicle Engines: Regulations Requiring Onboard Diagnostic Systems \(OBD\) on 2010 and Later Heavy-Duty Engines Used in Highway Applications \(over 14,000 lbs\): Revisions to OBD Requirements for Diesel Highway Heavy-Duty Vehicles \(under 14,000 lbs\)](#) – Heavy Duty Vehicle engines manufactured in or after 2007 are required to have advanced emissions control systems such as catalyzed diesel particulate filters and catalysts capable of reducing harmful NO<sub>x</sub> emissions. In the January 24, 2007 FR, this proposed rule requires manufacturers to install OBD systems that monitor the functioning of emission control components and alert the vehicle operator to any detected need for emission related repair, that manufacturers make available to the service and repair industry information necessary to perform repair and maintenance service on OBD systems and other emission related engine components, and that revise certain existing OBD requirements of diesel engines in heavy-duty vehicles under 14,000 lbs.

Proposed rule on requirements for [Public Hearings and SIP Submittals](#) – In the March 13, 2007 FR, EPA proposed changes to the regulations specifying the public hearing requirements for SIP submissions, identifying the method for submission of SIPs and preliminary review of plans, and revising the criteria for determining the completeness of plan submissions requirements to reflect the changes to the public hearing and plan submission requirements. The proposal also makes administrative changes to update the addresses to several Regional offices. These proposed revisions will modify when state agencies are required to hold public hearings, modify the number of hard copies of SIP submissions required to be submitted to the Regional office and the administrative portion of the completeness criteria for plan submissions. Comments must be received on or before **April 12, 2007**.

Supplemental proposed rule on [8-Hour Ozone Redesignations for Various Areas in Michigan, Ohio and West Virginia](#) – In the March 22, 2007 FR, EPA has provided this supplemental proposed rule that sets forth EPA's views on the potential effect of the December 22, 2006, U.S. Court of Appeals for the District of Columbia Circuit decision to vacate EPA's Phase 1 Implementation Rule for the 8-hour ozone standard (see Page 3 -- Update on Michigan's Ozone Redesignation Requests and Federal Ozone SIP Regulations – for addition information).

Reconsideration of final rule for New Source Performance Standards (NSPS) for [New Stationary Sources and Emission Guidelines for Existing Sources of Large Municipal Waste Combustors](#) - On May 10, 2006, EPA published this final rule. Following that final action, the EPA received a petition for reconsideration. In response, as stated in the March 20, 2007 FR, EPA is reconsidering three aspects of the rule: operator stand-in provisions, data requirements for continuous monitors, and the status of operating parameters during the 2 weeks prior to mercury and dioxin/furan testing. Comments must be received on or before **April 19, 2007**. If a public hearing is requested by March 27, 2007, and held on April 4, 2007, the comment period will remain open until May 4, 2007.

Proposed rule on [NESHAP General Provisions](#) – In the March 5, 2007 FR, the comment period on the proposed amendments to the General Provisions of the NESHAP, published on January 3, 2007, is extended until **May 4, 2007**.

(EPA'S CURRENTLY PROPOSED FEDERAL RULES CONTINUE ON PAGE 15)



**CURRENTLY PROPOSED FEDERAL RULES (CONTINUED)**

Proposed Rule on the NSPS for [New Stationary Sources and Emission Guidelines for Existing Sources of Hospital/Medical/Infectious Waste Incinerators](#) (HMIWI) - In 1997, EPA adopted NSPS and emission guidelines for HMIWI established under Sections 111 and 129 of the CAA. The Sierra Club and the Natural Resources Defense Council filed suit in the U.S. Court of Appeals for the District of Columbia Circuit challenging EPA's methodology for adopting the regulations. In 1999, the Court issued its opinion remanding the rule to EPA for further explanation of their reasoning in determining the minimum regulatory floors for new and existing HMIWI. The Court did not vacate the regulations, so the NSPS and emission guidelines remained in effect during the remand and were fully implemented by September 2002. In the February 6, 2007 FR, EPA is providing their proposed response to the questions raised in the Court's remand. Section 129(a)(5) of the CAA requires EPA to review and, if appropriate, revise the NSPS and emission guidelines every 5 years. In this FR notice, EPA also is proposing their response to this 5-year review, which would revise the emission limits in the NSPS and emission guidelines to reflect the levels of performance actually achieved by the emission controls installed to meet the emission limits set forth in the 1997 NSPS and emission guidelines.

Advanced notice of proposed rule for the [Risk and Technology Review, Phase II, Group 2](#) - In the March 29, 2007 FR, EPA is requesting public comment on updated facility-specific data from the February 2006 version of the 2002 National Emissions Inventory that EPA intends to use in analyzing risks from air toxics (hazardous air pollutants or HAPs) emitted from selected industrial sectors. The data are comprised of HAP emission estimates and emission release parameters for 22 industrial source categories subject to NESHAP with compliance dates of 2002 and earlier. Specifically, EPA is seeking comment on the emissions and source data found at the [Risk and Technology Review website](#) and are providing opportunity for the public to submit technical corrections and updates. A fact sheet on the proposed rule is also available at [http://www.epa.gov/ttn/atw/rrisk/rtr\\_fs.pdf](http://www.epa.gov/ttn/atw/rrisk/rtr_fs.pdf). Following review of comments received, EPA will update the data, as appropriate, and assess risk for these source categories. In addition, EPA will use these risk estimates and their evaluation of the availability, cost, and feasibility of emissions reduction options as the basis for decisions on whether to propose additional standards to address residual risk for each source category. EPA anticipates proposing the results of this risk and technology review for these 22 source categories by fall 2007.

**EPA'S PROMULGATED FINAL RULES**

Final Rule on the [Treatment of Data Influenced by Exceptional Events](#), effective **May 21, 2007** - In the March 22, 2007 FR, EPA finalized a rule to govern the review and handling of ozone and PM air quality monitoring data influenced by exceptional events. Exceptional events are events for which the normal planning and regulatory process established by the CAA is not appropriate and the data is therefore excluded from being used towards nonattainment, redesignating an area as nonattainment, or reclassifying an existing nonattainment area to a higher classification. Examples include chemical spills and industrial accidents, accidental structural fires, transported pollution, etc. Under this rule, authority is given to exclude air quality monitoring data from regulatory determinations if a State adequately demonstrates that an exceedance or violation was caused by an exceptional event. States are also required to take reasonable measures to mitigate impacts of an exceptional event.

[Nonattainment NSR Final Rule](#), effective **May 7, 2007** - In the March 8, 2007 FR, revisions to the regulations governing the nonattainment NSR program mandated by Section 110(a)(2)(C) of the CAA were finalized. These revisions implement changes to the preconstruction review requirements for major stationary sources in nonattainment areas in interim periods between designation of new nonattainment areas and adoption of a revised SIP. The changes are intended to provide a consistent national program for permitting major stationary sources in nonattainment areas. In particular, these changes conform the regulations to the NSR reform provisions promulgated December 31, 2002, except that these changes do not include the NSR reform provisions for clean units or pollution control projects, which the U.S. Court of Appeals for the D.C. Circuit vacated in *New York v. EPA*, 413 F.3d 3 (DC Cir. 2005). In addition, these changes include an interim interpretation of the NSR reform provision for a reasonable possibility standard for recordkeeping and reporting requirements, in accordance with that court decision.

(EPA'S PROMULGATED FINAL RULES CONTINUE ON PAGE 16)

**EPA'S PROMULGATED FINAL RULES (CONTINUED)**

Final Rule, [Approval and Promulgation of Michigan's Air Quality Implementation Plans; Control of Gasoline Volatility](#), effective **March 2, 2007** – In the January 31, 2007 FR, EPA approved a SIP revision submitted by the State of Michigan on May 26, 2006, and July 14, 2006, establishing a lower Reid Vapor Pressure (RVP) fuel requirement for gasoline distributed in the Southeast Michigan area which includes Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties. Michigan developed these fuel requirements to reduce emissions of VOC in accordance with the requirements of the CAA. Michigan's fuel requirements are now included in the Michigan SIP because EPA has found that the requirements are necessary for Southeast Michigan to achieve the 8-hour ozone NAAQS. During the public comment period EPA received adverse comments from one commenter. This FR notice summarizes the comments received, EPA's responses, and finalizes the approval of Michigan's SIP revision to establish a RVP limit of 7.0 pounds per square inch for gasoline sold in Southeast Michigan.

Final rule on the [Control of Hazardous Air Pollutants From Mobile Sources](#), effective **April 27, 2007** – In the February 26, 2007 FR, EPA adopted controls on gasoline, passenger vehicles, and new portable fuel containers (primarily gas cans) to reduce emissions of benzene and other hazardous air pollutants (mobile source air toxics). Benzene is a known human carcinogen and mobile sources are responsible for the majority of benzene emissions. The new rule limits the benzene content of gasoline to an annual refinery average of 0.62% by volume beginning in 2011, and for gasoline it establishes a maximum average standard for refineries of 1.3% by volume beginning on July 1, 2012, which acts as an upper limit on gasoline benzene content (when credits are used to meet the 0.62% by volume standard). The rule also limits exhaust emissions of hydrocarbons from passenger vehicles when they are operated at cold temperatures (phased in from 2010 to 2015) adopting evaporative emissions standards that are equivalent to those currently in effect in California, and adopting a hydrocarbon emissions standard beginning in 2009 for new portable fuel containers to reduce evaporation and spillage of gasoline from these containers. All of these controls will significantly reduce emissions of benzene and other mobile source air toxics such as 1,3-butadiene, formaldehyde, acetaldehyde, acrolein, and naphthalene that will be additional substantial benefits to public health and welfare due to significant reductions in emissions of PM from passenger vehicles.

Final Rule on the [NESHAP for Area Sources: Polyvinyl Chloride and Copolymers Production, Primary Copper Smelting, Secondary Copper Smelting, and Primary Nonferrous Metals: Zinc, Cadmium, and Beryllium](#), effective **January 23, 2007** – In the January 23, 2007 FR, the EPA issued NESHAP for these four area source categories. These final NESHAP includes emission limits and/or work practice standards that reflect the generally available control technologies and/or management practices in each of these area source categories.

**EPA DOCUMENTS**

Request for comments on the draft document, [Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2005](#) were announced in the February 27, 2007 FR. EPA's draft document is the latest in a series of annual U.S. submissions to the Secretariat of the United Nations Framework Convention on Climate Change. Annual U.S. emissions for the period of time from 1990 through 2005 are summarized and presented by source category and sector. The inventory contains estimates of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride emissions and also includes estimates of carbon fluxes in U.S. agricultural and forest lands. The technical approach used in this report to estimate emissions and sinks for greenhouse gases is consistent with the methodologies recommended by the Intergovernmental Panel on Climate Change. Comments that were received by March 27, 2007 will be considered for the final version. **NOTE:** EPA will still consider comments received after that date for inclusion in the next edition.